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International Network for Environmental Compliance and Enforcement

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Global Push on Enforcement of Multilateral Environmental Agreements

UNEP Workshop and Appointment of Senior Official on Enforcement

UNEP Executive Director Klaus Topfer has designated a senior level position to galvanize global support and commitment to enforce terms of MEAs and to facilitate work to address international environmental crime. This was announced by Deputy Executive Director Shafqat Kakakhel at the opening of a UNEP Workshop on Enforcement and Compliance with Multilateral Environmental Agreements (MEAs) held in Geneva July 12-14, 1999. The UNEP Workshop followed on the heels of the G-8 Environment Ministerial commitment to environmental compliance and enforcement, a focus on enforcement of Multilateral Environmental Agreements, and commitment to assist developing countries described in the first INECE Newsletter. Countries of the G-8 led by an initiative of the United Kingdom with financing as well from other G-8 countries

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Enforcement to Protect our Food and Drinking Water Supplies

DIOXIN contamination threatens food and drinking water in several countries

Sao Paulo's Office of the Attorney General in Brazil has entered a first stage procedural settlement with a Belgian company to begin a process to address contamination of a stream leading into and of sediment in Lake Billings which supplies up to one fourth of Sao Paulo's drinking water. Steps are being undertaken within the settlement to better define the extent of contamination from dioxin and heavy metals, nature of the health risk posed and steps for correcting the problems. The site of the dioxin contamination is the largest in the world, with one million tons of contaminated chalk. The company is one of the largest manufacturers of PVC in the world and the source of these problems. The chalk was involved in the recent Dioxin contamination of German feedstock and animals because it was used to remove some of the acidity in orange pulp exported there for this purpose. The dioxin contamination was first discovered in Germany in milk. After an investigation German authorities traced the contamination to the animals' food supply and from there to the orange pulp imported from Brazil. Orange pulp is a by-product of the production of orange juice for which Brazil is the second largest producer in the world. The Office of Attorney General in Sao Paolo threatened to bring a civil or criminal law suit after Greenpeace conducted samples around the facility, lake and stream sediments and water. At this stage the company has agreed to pay for all laboratory, experts, and testing work performed to address the scope of the problem and full disclosure to the public within 5 days of all information the

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(Global Push on Enforcement...Continued)

including Germany, Canada, and Japan provided financial support for the workshop which brought together 68 officials from 24 developing nations, 10 industrialized nations, the World Customs Organization, World Trade Organization, INTERPOL, INECE and IMPEL to address common problems in getting compliance with the terms of the MEAs by countries themselves and those subject to related requirements, in particular addressing how to stem the tide of environmental crime related to smuggling of endangered species, ozone depleting substances and hazardous wastes.

It was clear from the discussions at the meeting that many nations still lack basic environmental laws and authorities to control import and export, to make certain activities a crime, to control trade and disposition of these substances, wastes and endangered species. The need for collaboration and reconciliation of information management differences between customs, law enforcement and environmental officials at the national, regional and global levels is essential for success. Any major effort in this area must start with clear expectations for full implementation of obligations under these international agreements, follow up with both capacity building and consequences for failure to implement them at the country level. Those expectations include the institutions and relationships necessary to enforce their terms at the domestic level.

Workshop recommendations included a call for enhancing the role of UNEP including resources for implementation and compliance efforts, facilitating communication and data exchange through liaison with Secretariats to the Multilateral Environmental Agreements, INTERPOL, and the World Customs organization, directories of competent enforcement officials, enforcement liaison officers in the Secretariats, promoting national and regional enforcement networks, greater assurance of periodic and harmonized reporting, improved tracking systems, outreach and public awareness and involvement of NGOs and other stakeholders. Workshop Proceedings will be published by UNEP along with numerous reports from countries and international organizations. Check the INECE website for availability as well as for the INECE contribution to the meeting summarizing Lessons Learned on enforcement of Multilateral Environmental Agreements from the discussions at the five International conferences and papers.

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G-8 Operational Workgroup on Environmental Crime: Lyon Group broadens mandate

Environmental enforcement, and specifically the fight against international environmental crime received a substantial boost after Environment ministers from the G-8 countries announced a range of measures designed to deter and apprehend traders in banned substances throughout the world. The first meeting of the G-8 Nations' Lyon Group Law Enforcement Project on Environmental Crime convened in Rome on July 7th and 8th, 1999 as one of several actions called for by the Environmental Ministers of the Eight, and endorsed by the Heads of State. This project was initiated to implement practical measures to improve information exchange, data analysis, and investigative cooperation among law enforcement agencies, regulators, and international organizations to combat international environmental crime, specifically illegal shipments of hazardous and other waste and ozone depleting substances.

At the meeting, contact information was shared on senior environmental law enforcement experts and information exchanged on several ongoing international investigations. Channels for continued exchange of information were identified including informal information and public records to case specific communications using INTERPOL and direct law enforcement cooperation under the Mutual Legal Assistance Treaties and other arrangements. The role of Convention Secretariats and other mechanisms were noted to assure coordination and efficiency including having enforcement liaisons for Basel and Montreal Protocol as is done for CITES. The need to expedite World customs Organization nomenclature for regulated waste and ozone depleting substances was noted at this meeting and at the UNEP Workshop. The participants moved forward to propose a collective repository and analysis of data to help identify international patterns of transboundary movement of waste, endangered species, and ozone depleting substances. USEPA Center for Environmental Strategic Enforcement and/or INTERPOL as appropriate will be used to organize and analyze such information all with the caveat that such information exchange must be consistent with national laws. Participants at the G-8 Environmental Crime Project were invited to the next North American CFC Initiative Meeting in August of 1999 in Washington D.C. To better link this effort with other G-8 investigations. A detailed work program will be developed following the meeting. 🌱

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(Enforcement to Protect Food. Continued from page 1)

company has or knows about related to this problem and sets forth. 15 days are provided for company Greenpeace, CETESBE (the environmental administrative agency in Sao Paulo State) and the Public Prosecutor's Office to analyze the results. The agreement has stiff monetary penalties to ensure it is complied with. There is some sense of urgency since the contaminated material is located in a wet area which leaches when it rains.

Widely publicized media reports of the contamination of animal feedstocks and livestock in Belgium (requiring incineration and land disposal of hundreds of thousands of tons of contaminated chickens, eggs, poultry, pigs, cattle, and feedstock) and related incidents in The Netherlands (also affected by the dioxin contaminated citrus pulp for preparation of cattle feed) underscored the value of informal networking among country enforcement officials. Informal contacts through INECE have facilitated the timely exchange of technical information, results from similar experiences in the past, and hopefully may eventually lead to more timely identification of problems, expeditious and thorough investigations, clean up and enforcement sanctions as appropriate to prevent such occurrences.

FAO Requests Pesticide Inspector Training Materials

The U.N. Food and Agriculture Organization (FAO) is embarking on a project to develop training for the Sahel, Africa on Pesticide Management. As an integral part of this training they recognize the importance of effective environmental enforcement and have requested pesticide inspector training materials in several languages including English, French and Portuguese. The FAO plans to develop a practical "how to" manual for inspectors which would contain information on relevant legislation, storage requirements, sampling methods, recognition of potentially obsolete pesticides, and basic information to transmit to vendors and distributors.

Both regional and national modules for inspectors involve the verification of pesticide importations, distributors, vendors, sprayers, and government institutions using pesticides. As the Management Project works with nine countries in West Africa, it is anticipated that the manual will be translated into English, French, and Portuguese, which will also make it accessible to the broader African continent. 🌱

To contribute to the FAO training materials or relevant experiences, please contact www.inece.org. Collected materials and the final FAO materials will be made available through the INECE website.

HIGHLIGHTS OF PROGRAMS/ACTIONS/COOPERATION

Ecosystem Protection: Landmark Citizen Suit filed to clean up Manila Bay

In a landmark class action law suit, Concerned Residents of Manila Bay filed suit in the Fourth Judicial Region against the Philippines Government, all the polluting corporations and citizens who are discharging their wastes into the waterways of Manila Bay. The suit seeks to hold them jointly liable for the pollution of Manila Bay and jointly responsible for its cleanup. Specific demands were made on six government departments including the Department of Environment and Natural Resources, Metro Manila Development Authority, the Metropolitan Waterworks and Sewerage System, the Philippine Ports Authority in an attempt to move the government to clean up Manila Bay. In the complaint, the Citizens asked for cleanup of the Bay, installation, operation and maintenance of adequate sewage systems, waste water treatment facilities, waste and recycling and disposal facilities, hazardous and toxic waste treatment facility, health studies, information and education campaigns, restocking with native fish, enhancing monitoring of illegal fishing operations, cleanup and proper monitoring of port and harbor facilities, compliance with septic and sludge removal rules, a cessation of dumping of industrial wastes and oils. In each case the citizens have sought a plan of action, schedule and budget which the court could approve and monitor for compliance and a substantial sum in damages. The parties are in court on several legal issues as to government immunity from suit, standing to sue, cause of action, proper venue, failure to exhaust administrative remedies. The citizen suit documents what is described as the incalculable damage, risks and hazards to public health that present a clear and present danger to residents of Manila Bay. Manila Bay is world famous for its beauty. In better days, prior to World War II, Manila Bay was a clean clear body of water where families could picnic, swim and fish in abundance. Now fishing is banned, people reportedly get sick and die of related diseases, high concentrations of heavy metals are a threat and the waterbody is described as a public nuisance which poses serious public health hazards. (Contact Antonio Oposa via e-mail at aoposalaw@oposa.com)

Water Basin Clean-up: New Enforcement Efforts in China

Until last year, regulatory requirements for water pollution have not been well enforced. Pollution in water bodies, especially in urban areas, is a very serious problem for water supply, economic growth, and human health. In 1996, China initiated a clean-up program in the most polluted water basins, including three river and three lake basins (Huai, Hai, Liao Rivers, and Tai, Dianchi, Chao Lakes), so the program was named "three rivers and three lakes clean-up program." By the end of year 2000, all industrial wastewater must meet national or provincial discharge standards, and cities over half million population must establish sewage treatment facilities. The comprehensive approach to environmental enforcement include planning, financial assistance, inspection and binding requirements. In the "three rivers and three lakes," wastewater management and pollution

control plans have been made and budgets allocated. Some industrial processes have been banned or phased out following warnings and lesser enforcement actions. Education programs have been initiated and well organized in many places. An environmental media campaign across the country involved more than 6,000 journalists disclosing environmental degradation in more than 48,000 separate news items published national, provincial and local media. The public and non-governmental organizations play an increasing role. Huai River and Tai Lake are first to implement this program with closing more than 5,000 enterprises with high pollution levels. By the end of 1997 and 1998, all of the industrial discharges in Huai River and Tai Lake basins met the national or provincial standards respectively and COD discharges have been reduced by an estimated 40%. Clean-up in the other four basins are also in process.

Enforcement and Tourism

July 21, 1999. Royal Caribbean Cruises Ltd., operator of one of the world's largest cruise lines, agreed to pay a 18 million dollar criminal fine for violating U.S. environmental laws, representing the largest fine ever paid by a cruise company for polluting U.S. waters. In a 21 felony count plea agreement filed in six federal districts, Royal Caribbean admitted to routinely dumping waste oil and hazardous chemicals, such as those produced by photo processing equipment, dry cleaning operations, and printing presses, in the harbors and coastal areas of six U.S. cities (Miami, New York City, Los Angeles, Anchorage, St. Thomas, U.S. Virgin Islands, and San Juan, Puerto Rico). It also pleaded guilty to making false statements in oil record books presented to the U.S. Coast Guard. Under the terms of the plea agreement, Royal Caribbean must assist the government in its prosecution of employees involved in the illegal activities and must follow a five year court-supervised environmental compliance plan.

Enforcement for Clean Vehicles has Intern'l Impact

October 22, 1998. Marking the largest U.S. Clean Air enforcement action in history, seven diesel engine manufacturers settled with the U.S. Department of Justice and Environmental Protection Agency for over 1 billion dollars for collectively selling 1.3 million heavy duty diesel engines installed with emission-control defeating devices. The devices allowed an engine to meet EPA emissions requirements during testing but to exceed those limits during highway use by altering the engine's pollution control equipment. As a result, engines built with such devices emitted up to three times the legal limit of NOx, a powerful greenhouse gas. Per the terms of the settlement agreement, the settling companies, Caterpillar Inc., Cummins Engine Company, Detroit Diesel Corporation, Mack Trucks, Inc., Navistar International Transportation Corporation, Renault Vehicules Industriels, s.a. and Volvo Truck Corporation, were required to pay 83.4 million dollars in civil penalties, 109.5 million dollars to develop new emission-control technology, and 850 million dollars to introduce cleaner new engines, rebuild older engines to cleaner levels, recall pickup trucks equipped with defeat

devices and conduct new emissions testing. Although 1.3 million tons of excess NOx were emitted in 1998 due to the devices, the settlement will prevent the illegal emission of 75 million tons of NOx. in the U.S. by 2025.

CFC: Intern'l cooperation to combat Illegal trade

May 29, 1998. The U.S. District Court for the District of Bangor in Maine sentenced two Canadian citizens for violations of the U.S. Clean Air Act. Larry Joseph LeBlanc owned and operated City Sales Ltd., an automobile dealership in Fredricton in New Brunswick, Canada and employer of Ann Marie LeBlanc. Violating a specific directive from Environment Canada prohibiting City Sales from exporting CFCs, an ozone depleting substance, to the United States, the LeBlancs shipped 75 tons of CFCs to automotive shops in the U.S. on eight occasions. For their criminal activity, Joseph LeBlanc must serve a 15-month prison term and pay a \$28,000 fine and Ann Marie LeBlanc must pay a \$1,500 fine. The investigation leading to the LeBlancs prosecution was a bi-national effort undertaken by Environment Canada, Canada Customs Service, USEPA's Criminal Investigation Division and the U.S. Customs Service.

Economic Instruments: Industrial Compliance in Thailand

Currently, the Department of Industrial Works under the Ministry of Industry in Thailand is in the process of amending the Factory Act of 1992, which is used to prevent disturbances, damage, and danger to the public and the environment by factories. Changes are being made by adding sections that will empower the Department to apply and enforce economic instruments in accordance with the "polluter pays principle."

At the present time, the Act includes such measures as addressing permitting issues; encouraging the clustering of factories in particular areas to prevent disturbances in communities; and setting forth the privatization of factory and machinery audits and inspections. The Factory Act also plays an important role in promoting Cleaner Production (CP) by empowering the Department of Industrial Works with the ability to prescribe certain environmentally sound industrial processes in their permits. It also calls for the monitoring and inspection of factories with violators of the Act being subject to corrective orders, possible factory closure, permit withdrawal and criminal liability including fines and possible imprisonment.

The first economic instrument to be added is the collection of emission charges followed by an effort to collect up-front pollution management fees. This fee will be equal to the cost of the installation of a waste treatment facility and will provide the incentive for Cleaner Production. If a factory chooses to apply CP techniques to minimize waste, their pollution management fee will be reduced, and if the company installs a waste management facility, most of the fee can be withdrawn. According to the Act, the Department is currently entitled to use the Environmental Fund to install waste treatment facilities or make improvements to existing facilities if they refuse to do so, as the Department sees fit. The consequences to this are that the factories are obliged to pay back the whole cost of the changes plus a penalty of 30% per annum.

Bonaire's Economic Controls on Public Event Littering

The littering at public events poses an environmental problem in Bonaire, the Netherlands Antilles as well as other parts of the world. Regardless of how conscious the attendees are of not littering, public outdoor events often result in refuse scattered throughout the surrounding site. During the heat of festivities, attendees consuming alcohol become too inebriated to be concerned about the destination of their empty beer cans, plastic cups, and foam plates to the event's grounds. Furthermore, since public event organizers have attained an unconditional permit that fails to stipulate any environmental regulations, organizers essentially "have a permit to litter" and therefore, cannot be held legally responsible for any subsequent litter from the event. In

response to these situations, the "assurance proposition law" was created by the Government Department of Legal and General Affairs and the environmental police at Selibon, N.V., Bonaire's waste management and disposal company. The law specifies that public event organizers have to sign a cleaning contract with Selibon N.V. or pay a deposit for cleaning the area of the event. The deposit amount is usually 10% of the calculated costs for the cleaning afterwards and is also based on the type of event being organized. If the event organizers clean the event area to the standards of the environmental police, Selibon N.V. will return their deposit. This system has been in effect since January and despite some protests early on, organizers have realized the benefits of stimulating public environmental awareness. The less the public litters the less the organizers have to clean up. 🌱

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CITIZEN ENFORCEMENT HIGHLIGHTS

Introducing the Aarhus Convention: A new international law on citizen's environmental rights

On June 25, 1998, Environment Ministers from all over Europe and Central Asia adopted a new international treaty aimed at strengthening democratic accountability in the field of the environment: the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. It was adopted in the Danish city of Aarhus at the Fourth Ministerial Conference in the Environment for Europe process, and signed by thirty-five countries and the European Community. The resulting Convention is open for accession by countries outside of the UNECE region and is sparking intense interest in Africa, Asia and Latin America.

The Aarhus Convention has long-reaching implications for citizen participation in environment enforcement. Not only does it require Parties to provide the prerequisites to citizen enforcement, such as access to information and timely participation in environmental decisionmaking, the Convention also focuses specifically on access to justice in environmental matters empowering citizens and NGOs to assist in the enforcement of law.

Access to information appeals: A person whose request for information has not been dealt with to their satisfaction must be provided with access to an expeditious review procedure before a court of law which is free of charge or inexpensive. Final decisions must be binding on the public authority holding the information, and the reasons must be stated in writing where information is refused.

Public participation appeals: The Convention provides for a right to seek review in connection with decision-making on projects or activities. The review may address either the substantive or the procedural legality of a decision.

General violations of environmental law: The Convention requires Parties to provide access to administrative or judicial procedures to challenge acts and commissions by private persons and public authorities which breach laws relating to the environment. Such access is to be provided to members of the public meeting any national criteria for standing.

Other access to justice requirements: Procedures are required to be fair, equitable, timely and not prohibitively expensive, including consideration of assistance to remove or reduce financial and/or other barriers. Decisions must be given or recorded in writing, and in the case of court decisions, made publicly accessible.

An Implementation Guide to the Aarhus Convention, co-authored by the Regional Environmental Center for Central and Eastern Europe and the Environmental Law Institute will be published by the UNECE in December 1999. The following websites have more information on the Aarhus Convention: www.unece.org, www.rec.org, and www.participate.org. 🌱

Fifth INECE Conference: Another Success!

The Fifth International Conference was another important stepping stone, and catalyst for making environmental compliance and enforcement happen. Two hundred fifty participants including government officials and NGOs from 100 countries and international organizations actively participated in five days of both plenary sessions on six themes and 32 related workshops, and site visits with inspection demonstrations at state-of-the-art wastewater and solid waste management facilities, site cleanup and laboratory facilities. The results of these discussions along with papers from 41 different countries and international organizations are published in two volumes of Conference Proceedings. These proceedings are available on the INECE website, www.inece.org, and also will be distributed in hard copy to INECE contacts in over 200 countries and organizations.

The presentations at the conference and papers generously prepared by colleagues to share their practical experiences demonstrate the increasing commitment to and level of sophistication of programs and new initiatives around the world to achieve the protection of public health and the environment we seek. Opening remarks delivered by Pieter Verkerk, Inspector General of the Dutch Environment Inspectorate, stressed the significance of the conference in light of other recent gatherings including the G-8 summits in Miami (1997) and Birmingham (1998) and emphasized the importance of international and regional environmental enforcement networks. Steve Herman, USEPA's Assistant Administrator for Enforcement, presented an overview and vision on behalf of the Executive Planning Committee on where enforcement has been and where it is heading in the next millenium, including the need for public involvement and the balanced use of carrots and sticks. A keynote address by USEPA Administrator Carol Browner described enforcement as a cornerstone to a new generation of environmental protection.

Participants were inspired by compelling accounts of ecosystem improvements through enforcement in British Columbia in Canada; of heroic efforts to prosecute and convict, on site, illegal logging operations in the Philippines; and of innovative use of compliance schedules and action plans in Egypt and the Czech Republic to gain environmental improvements and make compliance happen in the face of serious economic and institutional impediments to compliance. We were excited by the report from Vietnam on how they began, following the Fourth International Conference, to initiate their environmental compliance and enforcement program with a nation-wide inspection of all facilities, drawing upon the resources of all levels of government and cooperation across several ministries with a range of consequences. We saw the importance of national networks in Ghana, of international cooperation in addressing transboundary hazardous waste to stem illegal exports to China, and within both North America and the European Union, and in addressing control of new chemicals in Europe and the Americas. These are but a few examples of the many stories contained within the volumes of the Conference Proceedings.

The Conference not only inspired enforcement officials and NGOs but also allowed participants the opportunity to work together to overcome common obstacles to environmental compliance and enforcement. Participants shared their experiences with traditional compliance and

enforcement tools in areas such as compliance monitoring, multi-media inspections, and criminal enforcement. Workshops discussed strategies for public accountability, access to information, and access to justice. Participants explored how to best take advantage of communications technology and market incentives.

One consistent theme from the conference was the need for ongoing and interlocking networks at the national, regional and global levels to sustain capacity building, share experiences and technical information, and provide mechanisms for efficient and informal international cooperation. These efforts are needed in order to build the most effective environmental compliance and enforcement systems possible. The Conference resulted in a stronger commitment to international and regional cooperation. Participants agreed that, in order to undertake these efforts, plans for a future conference, concentrating on the development of regional enforcement networks, should be explored.

INECE welcomes new Co-Chair

We welcome Gerard Wolters, the new Inspector General for the Environment from the Netherlands who is serving as co-chair of the Exeuctive Planning Committee along with Steve Herman of U.S. EPA's Office of Enforcement and Compliance Assurance. Mr. Wolters brings to his new post years of experience as a public prosecutor. Long time INECE co-chair, Pieter Verkerk, with us from the beginning has taken on a new challenge as Counselor for the Environment at The Netherlands Embassy in Washington D.C. for Canada and the United States. We will sorely miss Pieter and wish him well, but know that he will still be striving to advance environmental enforcement. 🌱

CURRENT I N E C E PROJECTS

The INECE network is only as successful as those willing to share their experiences. One way to do this is to contribute to ongoing projects and to suggest and either lead or participate in new ones. Below are several projects to which you are invited to contribute:

Country progress and capacity building priorities for environmental compliance and enforcement

The INECE partnership is working to issue global and regional aggregate reports on country program status and capacity building priorities for environmental law, compliance, and enforcement. In order to complete this report, INECE is awaiting information from many nations but has already received results from over 40 countries. The country progress/self assessment format was designed to be a bottom up process starting with a format to help countries assess progress and priorities for capacity building. The format, a first version, will be improved on and simplified in the future but has been a positive "experiment". A copy of the format can be obtained from INECE or at the internet homepage: www.inece.org. A list of countries from whom we have received reports is listed at - www.inece.org/Letter/CPR. Additional perspectives and information is always welcome.

Transboundary Trade in Potentially Hazardous (Waste, Pesticide, Ozone-Depleting) Substances

Originally prepared as a pre-publication draft in 1996, this Technical Support Document is in the process of being updated and finalized. New statistics, enforcement information, and anecdotal examples are being added to further this document's usefulness. It includes current information on the Basel Convention, Montreal Protocol and CITES as well as Prior Informed Consent, and related resources and information centers. Once completed, it will be available both in hard copy and on the Internet along with other Technical Support Documents that the INECE partnership has previously published on mining, deforestation, tourism, residential and industrial solid waste disposal, and petroleum refining and petrochemicals.

Using Compliance Schedules and Action Plans To Achieve Environmental Results

Inspired by working with the governments of Poland and the Czech Republic and sharing of the experiences in the United States, Egypt and Venezuela, the draft working paper "Using Compliance Schedules and Action Plans to Achieve Environmental Results" seeks to draw on different country and NGO experiences for lessons learned in drafting such provisions to make their terms more likely to be complied with. The draft emphasizes the use of compliance schedules or action plans as a common denominator used by different countries in a number of vehicles such as an administrative or judicial enforcement

order, agreement, permit or license as a method for establishing a realistic and staged basis for making progress on meeting environmental objectives in a manner that realistically considers resource and technological constraints and minimizes adverse economic impacts. The report focuses on how important principles can be the basis for negotiations which establish and maintain the responsibility of the polluter to comply with environmental requirements established by law in a realistic manner. Additional country examples and comments are still being solicited and incorporated into the document which will be available this calendar year in draft or final, depending upon our ability to draw on many different examples.

Practical implementation and training materials to support enforcement: International environmental agreements

The next area of INECE involvement is support for enforcement officials through exchange of practical implementation and training materials by making them available through the Internet and in hard copy. One focus will be support of the enforcement of international environmental agreements, the multilateral environmental agreements identified in the lead article: Basel, Montreal Protocol and CITES at the national level. We will also continue to provide such materials on other areas as well as the need and opportunities to do so arise. The article above on FAO and the call for inspector manuals for pesticide inspectors is an example of such a project. All languages are welcome as they can reach a related audience.

Papers and dialogue on special topics and greater support for enforcement cooperation.

INECE conferences have supported exchanges on special topics the results of which are committed to paper. The Internet structure is undergoing a change to better support ongoing dialogue on these and other topics of interest. If you would like to introduce new areas of discussion please so identify to the INECE Secretariat. Otherwise we will support a structure on the Internet for ongoing dialogue on these important matters. This will be available by the beginning of next calendar year. All are welcome to offer comments and make requests in the interim. Some areas will be password protected as appropriate to secure the dialogues and information exchange for their intended purpose. 🌱

See the INECE website for more information:
www.inece.org

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REGIONAL NETWORKS**EUROPEAN REGION****ECA-INECE: Europe-Central Asia Network Plans Second Meeting**

The Europe Central Asia INECE network (ECA-INECE) is planning to hold their second meeting, the first since the Monterey meeting. The meeting is planned to be held in Chisinau, Moldova on September 23 and 24. In addition, a meeting sponsored by the World Bank to discuss Environmental Impact Analysis will be held in the same location on September 25.

Representatives from The Netherlands, the United States, the OECD, which is sponsoring the meeting, the World Bank and other organizations will also attend. In addition, it is expected that there will be significant NGO representation at the meeting. This meeting will continue the process begun in Vilnius, Lithuania in 1998 which established the role for the ECA-INECE network.

The Chisinau meeting will focus on the issues in the Newly Independent States (NIS) as well as the other Central and East European countries that make up ECA-INECE. The main objectives of the meeting will be to:

- provide a continuing forum for sharing experiences in environmental law enforcement and discussing problems and opportunities in ensuring compliance with environmental compliance;
- review a draft survey of environmental compliance and enforcement in the NIS;
- to develop recommendations for strengthening environmental compliance and enforcement in the region.

The meeting will also provide an opportunity for discussing the possibility of launching a Network on environmental compliance and enforcement in the NIS. The relationships between this potential network and other existing groups will also be discussed.

The meeting will be conducted in Russian with English-Russian translation. 🌿

AC-IMPEL Network

AC-IMPEL is working hard to network among the CEE-EU candidate countries. The Work Programme has been set and is being implemented. It includes review of national legislation and reports on progress in implementing European Union legislation in each of the countries in line

for accession into the European Union, inspector exchange programs, training and information exchange, and multilateral projects proposed by members with an opportunity to participate in IMPEL projects. Its focus is both nature conservation and pollution control. 🌿

AMERICAS REGION

North American Working Group on Environmental Enforcement and Compliance Cooperation (EWG)

Since 1995, environmental enforcement officials from Canada, Mexico and the United States have been cooperating through the North American Working Group on Environmental Enforcement and Compliance Cooperation to effectively enforce their environmental laws. This cooperation takes place under a side agreement to the North American Free Trade Agreement (NAFTA). Cooperative enforcement and compliance activities are incorporated into the work program of the Commission for Environmental Cooperation (CEC), which was set up to implement and manage activities. Highlights of 1998/1999 activities include: 1) holding a public forum on environmental management systems and ISO 14001 in cooperation with the Organization for American States in Washington, DC; 2) developing pilots for indicators of effective monitoring for compliance and enforcement relating to the respective hazardous waste requirements in the three countries; 3) presenting an international workshop on trade in coral and marine invertebrates in Los Angeles; 4) producing an annual report on how the three parties respectively fulfilled their obligations to effectively enforce

for compliance with domestic environmental requirements; and 5) sponsoring the Wildlife Forensics Conference in September of this year.

Project on Environmental Management Systems: Liaison Status to ISO?

A 1998 report, "Environmental Management Systems and Compliance," has been forwarded to the International Organization for Standardization (ISO). The CEC may seek liaison status with ISO to facilitate a wider international exchange of ideas on EMSs and ISO 14001. One issue in particular, of concern to the governments of North America is the fact that ISO 14001 includes a requirement that there be a policy commitment to compliance and to prevention of pollution, however, the management systems themselves need not be directed to achieving performance levels that are in compliance with environmental laws. All of these activities provide opportunities to build further capacity for trilateral enforcement cooperation programs and initiatives. 🌱

Organization of American States Moves Toward Inauguration of New Inter-American Forum on Environmental Law

Elected leaders from 34 Western Hemisphere countries met at the Bolivia Summit of the Americas for Sustainable Development in 1996 and agreed to "cooperate in the establishment of a hemispheric network of officials and experts in environmental law and its enforcement and compliance," in coordination with the Organization of American States (OAS). This initiative grew in part from the work of INECE and the recognition that progress must be made on environmental law at a regional level. The Summit agreement called for a network to facilitate the exchange of knowledge and experiences in environmental law; constitute a focal point for cooperative efforts that support development and strengthening of environmental laws, relevant policies and institutions, and implementation; and provide and facilitate training and capacity building in environmental law and implementation.

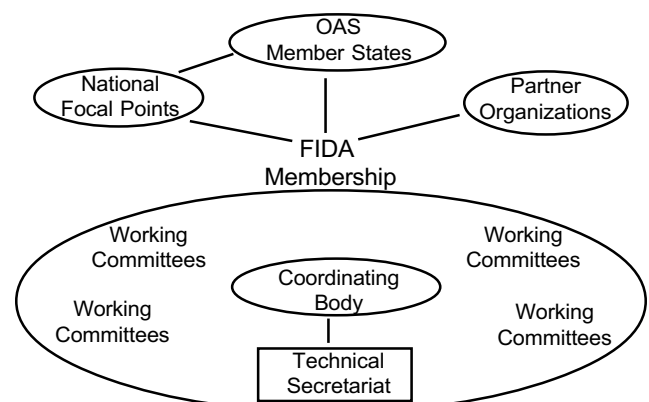
OAS has consulted broadly over the past year to determine how such a network might function most effectively and its strategic emphasis. Based on these consultations, OAS member states will establish the network, "Inter-American Forum on Environmental Law" (FIDA), in early 2000. FIDA will operate in coordination with entities and networks active in environmental law, enforcement and compliance – including INECE and sub-regional networks within the Americas.

Most of FIDA's work will be through thematic working groups organized around two biennial themes – focusing on priority substantive and procedural issues in the region. The first themes are: 1. Legal Frameworks for Water Resource

Management and 2) Integrating Market-Based Instruments and Regulatory Enforcement for Sustainable Environmental Management.

FIDA will also establish permanent committees to promote cooperation and information exchange in the following critical areas: 1) Enforcement and Compliance; 2) Environmental Conflict Resolution; 3) Public Participation in Environmental Decision-making and 4) Environmental Law Education.

FIDA members will direct the network's agenda with member state guidance through a structure that integrates national focal points with working committees coordinated by a secretariat within the OAS as illustrated below.



An inaugural meeting is planned for FIDA in early 2000 in South America. Additional information will be circulated to interested persons in the near future. 🌱

Mercusol Region

To further in-country networks in Brazil, the Brazilian non-governmental organization (NGO), Lawyers for a Green Planet Institute headed by Antonio Benjamin, organized a two week exchange from July 20-30 in Washington, D.C., with USEPA and the Environmental Law Institute, for twenty-seven, prosecuting attorneys, state judges and environment ministry attorneys from 16 different states in Brazil on environmental law, implementation and enforcement in the U.S. The final two days included half-day visits to the U.S. Department of Justice, other federal agencies, the national Congress, the Supreme Court, and

the World Bank. This will be followed by a conference in Amazonas on November which will use presentations on the principles of environmental enforcement to foster dialogue among state environment organizations, public prosecutors and NGOs on an ongoing basis. The success of the program has also led to proposals to conduct the training again to include also representatives from the five former Portuguese colonies in Africa, to be held in Washington either in September 2000 or in the summer of 2001. 🌱

AFRICA AND WEST ASIA REGION

Network of African Environmental Lawyers

A recent development in Africa is the creation of a regional Network, of African Environmental Lawyers. With NESDA as a home base for the Secretariat, it will facilitate the establishment of diverse professional networks at the sub-regional and/or continental levels in Africa to provide a forum for African professionals. Its specific objectives are:

- to inform African lawyers on new challenges in environmental law and provide the tools which will allow them to bring their support and assistance during the formulation of policies,
- to encourage contacts and cooperation among African environmental lawyers and with relevant organizations and institutions in and outside Africa to meet and know each other, exchange experiences and mutually learn from one another.
- to contribute, in the long term, to the enhancements for the people of Africa through expert support for the formulation and effective implementation of environmental policies, improved decision making by political actors, legislators and magistrates as well as the awareness of civil society major groups such as farmers, workers, women and youth.

The fundamental goal of the network is the establishment of a framework, which will enable environmental lawyers from the various sub-regions in Africa to get together. Thus, through its various training and awareness raising activities and through the provision of quality advisory services, the network will contribute towards raising the awareness of all actors involved and thereby enhance the sustainable management of natural resources in Africa.

The network will create a dynamism which will manifest itself in enhanced collaboration and cooperation of relevant organizations existing in Africa, with each organization pursuing its regular activities but the value resulting from the cooperation and collaboration becoming greater than the sum total of the individual activities through the integration of initiatives. In the long run, the aim is also to set up a directory of all the competent individuals, which will be used as a reference document not only for the African countries to rely on, but also for the international partners which can tap on such expert individuals in Africa for consultancies or any other environmental law experts activities. 🌱

Center for Popularization of Research on the Drawing up and Enforcement of Environment Conservation and Sustainable Use of Natural Resources Related Legal Instruments (CEPREDESCI)

On August 13, 1999, Cameroon officials approved the creation of an environmental NGO, Center for Popularization of Research on the Drawing up and Enforcement of Environment Conservation and Sustainable Use of Natural Resources Related Legal Instruments (CEPREDESCI). CEPREDESCI aims to bring together legal and scientific experts to contribute to the development and enforcement of environmental laws that are based on reliable scientific and technical aids; promote conservation and sustainable use of natural resources; provide training for environment conservation and sustainable development; assist any citizen or organization with sustainable environmental management; and foster partnerships with

other scientific and environmental law organizations including E-LAW, ELI, ELNI and IUCN. Sponsorship is currently being sought after to provide assistance for the organization's efforts. Mr. Pierre Mbouegnong, President of CEPREDESCI, has lead the organization in its preliminary activities which include training of government officials in the environment administration and developing scientific norms for the legislative standards on desertification. Activities for future consideration include the Agriculture and Forestry Project sponsored by the African Development Bank as well as environmental improvements to the Cameroon municipalities (e.g. drinking water, hazardous waste, urban sanitation). 🌱

Africa's Enforcement Networks

African subregional enforcement networks for North, South, East, West and Central Africa identified during the Fifth International Conference are still in their formative stages of development. See list of contacts for regional networks. For Central Africa, a workprogram has been developed and proposed to several potential sponsoring organizations. These enforcement networks are multidisciplinary in nature and focus on environmental compliance and enforcement issues. In the meantime, a continent wide effort is resulting in a Network of African Environmental Lawyers which is

featured in this issue of the INECE Newsletter. The African Development Bank is integrating environmental compliance and enforcement concerns into its activities with the Regional Member Countries (RMCs). In particular and most recently a World Bank sponsored mission involving 5 lectures on mining and the environment, a field trip on good mining practices; especially dealing with the effluents of mercury and cyanide in the retrieval of Au (gold) all of which stressed the importance of compliance and enforcement as regards mining legislation. 🌱

ASIA AND PACIFIC REGION

ASPA-INECE: Asia and Pacific

At the Fourth International Conference on Environmental Compliance and Enforcement, held in Chiang Mai, Thailand in 1996, strong support was generated for the development of regional networks within the broader framework of INECE. In September 1998, UNEP, in collaboration with SACEP, organised the Regional Workshop for the Establishment of an Asia Pacific Regional Network for Environmental Compliance and Enforcement. At this meeting, principles on the development of the Asia-Pacific International Network on Environmental Compliance and Enforcement (ASPA-INECE) were established. These principles included ideas on how the network should be structured and operationalized through regional and sub-regional networks. The sub-regional networks include SACEP (South Asia Cooperative Environment

Programme), ASEAN (Association of South East Asian Nations), NEAREP (Northeast Asia Regional Environment Program), and a network of Pacific Island countries. Following this, the recommendations and conclusions of the Regional Workshop, including the principles, were endorsed by the participants at the Fifth International Conference on Environmental Compliance and Enforcement, held in Monterey, California, in November 1998. At the Conference, there was discussion about the planned activities for ASPA-INECE and broad agreement on the delineation of the sub-regional networks by country. Details on the planned activities of ASPA-INECE as well as more information on the sub-regional networks can be found in the Proceedings from the Fifth International Conference. 🌱

SACEP: South Asia

In September 1998, the South Asia Cooperative Environment Programme (SACEP) SACEP collaborated with UNEP to organize the Regional Workshop for the Establishment of an Asia-Pacific Regional Network for Environmental Compliance and Enforcement. At the workshop, participants shared their experiences and discussed the issues surrounding environmental compliance and enforcement in their respective countries. Building on the momentum from this meeting and the Fifth International INECE Conference, SACEP, along with UNEP and the Dutch Ministry of Housing, Spatial Planning, and the Environment, participated in an organizational meeting at the UNEP Regional Office for Asia and the Pacific in Bangkok in January 1999. The goal of the meeting was to develop the framework for a South Asian sub-regional network. The network will build upon existing projects and programmes such as UNEP's Network for Environmental Training at the Tertiary Level in Asia-Pacific (NETTLAP)

and the SACEP/UNEP/NORAD Joint Project on Environmental Law and Policy in South Asia. This sub-regional network will support the efforts of ASPA-INECE. Some of the activities identified for the network include an information database on environmental compliance and enforcement, training programs for government officials, inspector exchange programs, and the development of training manuals. A project proposal for the new sub-regional network has been developed and will be presented before a meeting of Senior Environmental Officials of Countries of South Asia scheduled for August 1999 in Sri Lanka. Once reviewed and endorsed by the Senior Environmental Officials, SACEP, with the assistance of UNEP, the US-EPA, and the Dutch Ministry of Housing, Spatial Planning and the Environment, will submit the proposal for the network to several international funding agencies including the World Bank. 🌱



PUBLICATIONS AND STUDIES



INECE Publications

A resource library of capacity building and technical support documents developed by the INECE partnership is now available on the Internet Web site and in hard copy on request by government officials, individuals from international and non-governmental organizations involved in environmental compliance and enforcement activities. Two new documents completed in preparation for the Fifth International Conference include: 1) International Inspector Training Compendium, Course and Program Comparison; and 2) Citizen Enforcement: Tools for Effective Participation. Past reports supplemented by these documents include: 3) Financing Environmental Permit, Compliance and Enforcement Programs; 4) Source Self-Monitoring, Reporting, and Recordkeeping Requirements: an International Comparison; 5) Multimedia Inspection Protocols; 6) Communications Strategies for Environmental Enforcement Programs; and 7) a pre-publication draft of Transboundary Trade in Potentially Hazardous (Waste, Pesticides and Ozone depleting) Substances. All these reports complement the Principles of Environmental Enforcement and UNEP's Publication on Industry Environmental Compliance.

International Trade and the Basel Convention

Jonathan Krueger's book, published in 1999 by the Royal Institute of International Affairs, highlights the current challenges facing the parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. Krueger documents the evolution of the Basel Convention, including the Parties' decision to limit the trade of hazardous waste flowing from industrialized nations to developing countries; efforts to more clearly define the type of wastes regulated; and initiatives to monitor the implementation of and compliance with the duties imposed by the Convention. The author explores how well the purposes of the Convention have been met as an attempt to regulate and minimize the increasing number of transboundary movements of hazardous waste through trade measures and the economic implications of several controversial provisions regarding waste characterization and movement. Krueger reports that the ability to monitor compliance and take enforcement measures against those in non-compliance, are presently quite limited, making illegal traffic of hazardous wastes more likely. The parties, however, are endeavoring to improve this situation. A Consultative Subgroup created by the COP-4 is exploring how to better monitor compliance. In order to increase compliance with the Convention, the Basel Secretariat created a cooperative initiative with INTERPOL

to: exchange information on cases involving illegal traffic; train police and customs officers; and establish regional implementation centers. The Convention's Ad Hoc Working Group of Legal and Technical Experts is developing a protocol on liability and compensation for damage arising from transboundary movements of hazardous wastes. The COP has instructed the Working Group to make all efforts to finalize the draft articles of the protocol in order to present it for consideration and adoption at COP-5 (Dec. 1999). Krueger believes a liability regime and tracking systems such as the US and Mexico HAZTRAKS system are critical and advocates a standard of strict liability for illegal traffickers.

International Environmental Law and Policy

This recently published text by David Hunter, James Salzman and Durwood Zaelke is a reference book for academics, practitioners, and policymakers on the evolving response to global environmental problems. It first discusses the problems, players and principles that shape emerging policies and legal regimes. It then reviews the science, economics and politics of specific environmental problems and legal responses. Finally, it analyzes the relationship between international environmental law and other legal regimes including Trade and Investment, Human Rights, National Security and Corporate Codes of Conduct. A Treaty Supplement and a teacher's manual are also available. Additional materials and updates are published at www.wcl.american.edu/pub/IEL. Order from www.Amazon.com, or Foundation Press at Steve.Erick@westgroup.com, or 1-800-917-7377.

Indicators of Effective Enforcement

The Law and Policy Program of the Commission for Environmental Cooperation (CEC) published the Proceedings of a North American Dialogue on Indicators of Effective Environmental Enforcement. The CEC-sponsored dialogue explored the development of indicators used to evaluate the performance of Canada, Mexico and the United States in their implementation of environmental policies and programs. The Proceedings examines their policies, programs and strategies as related to indicators of effective environmental enforcement; the actual and potential use of public response indicators for evaluating effectiveness of policies, programs and strategies; and the development and use of effective enforcement indicators in Europe. Also included in the Proceedings are presentations, discussion summaries and a participant list. The report is now available on the CEC website at <http://www.cec.org>.

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**SOLICITING ARTICLES/THEMES FOR
FUTURE NEWSLETTERS**

We are soliciting articles relevant to those in the INECE network as well as contributions on particular themes. Basic format for the Newsletter will remain the same with a Regional Network corner, an NGO corner and Highlights. Proposed themes for the next newsletter include:

- Enforcement Examples
- Enforcement Highlights
- Examples of Regional Cooperation
- Enforcement & Compliance Results & Program Initiatives

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International Network for Environmental Compliance and Enforcement

I. Please return to by fax to: 1-301-946-8984 or electronically at: <http://inece.org/Commun.htm>

Name (Dr./Mr./Mrs./Ing./Hon.): _____	
Title: _____	
Organization: _____	
Department: _____	
Telephone: _____	Fax: _____
E-Mail: _____	
Address:	
City/State: _____	P.O. Box: _____
	Country: _____
Type of Organization (circle one):	
Government - National, State/Province, Municipal; Police	NGO - National, International, Academic
Professional Area (circle):	Media Specialty (circle): Multi-Media, Air Pollution, Water Pollution, Natural Resources, Toxic Chemicals, Drinking Water, Waste, Pesticides, Haz-Waste Import/Export
Policy, Management, Legal, Technical, Academic	
Relevant Responsibilities:	
Relevant Professional Expertise/Experience:	

II. Willing to Contribute

- _____ Contribute news items to Newsletter.
- _____ Make a link with existing INTERNET home page
- _____ Respond to inquiries about country or organization programs and experience.
- _____ Prepare a paper for publication: _____
- _____ Participate in International Networking by:
- _____ Engaging in an ongoing dialogue on a special topic.
 - _____ Participating in or hosting a regional meeting.
 - _____ Supporting a regional project: e.g., training, information exchange, etc.
 - _____ Consider or respond to requests for information, assistance.

III. Interest in receiving information

- _____ Please place me on the Newsletter Mailing List
- _____ Conference Proceedings and technical documents are available at <http://inece.org> or can be requested in hardcopy from INECE EPC staff


IV. Preferred Means of Communication

E-mail _____ Mail _____ Fax _____ Telephone _____ Periodic Meetings _____

V. Include Contact in a directory of contacts for enforcement of hazardous waste import/export

Name: _____ Title: _____

Phone: _____ Fax: _____ e-mail: _____



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